



# NEWS

**Federal Communications Commission**  
445 12<sup>th</sup> Street, S.W.  
Washington, D. C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-800-835-5322

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See MCI v. FCC, 516 F.2d 385 (D.C. Cir. 1974).

**For Immediate Release:**  
August 4, 2004

**News Media Contact:**  
Rosemary Kimball at (202) 418-0511  
e-mail: [rosemary.kimball@fcc.gov](mailto:rosemary.kimball@fcc.gov)

## **FCC TAKES ACTION TO PROTECT WIRELESS SUBSCRIBERS FROM SPAM** *Prohibits Sending Commercial Messages Referencing Specified Domain Names*

Washington, DC -- The Commission has taken action to protect consumers from receiving unsolicited commercial messages on their wireless phones and pagers. The action implements the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act or Act).

The Commission adopted a general prohibition on sending commercial messages to any address referencing an Internet domain associated with wireless subscriber messaging services. To assist the senders of such messages in identifying those subscribers, the Commission required that commercial mobile radio service (CMRS) providers submit those domain names to the Commission for inclusion in a list that will be made publicly available. No individual subscriber addresses will be collected or included on this list. It also clarified the delineation between these new rules implementing the CAN-SPAM Act, and the existing rules concerning messages sent to wireless telephone numbers under the Telephone Consumer Protection Act (TCPA).

Specifically, the Commission has taken the following actions:

- o Interpreted the scope of material covered under the definition of mobile service commercial messages (MSCMs) in the CAN-SPAM Act to include any commercial message sent to an electronic mail address provided by a CMRS provider specifically for delivery to the subscriber's wireless device. The Commission found that Short Message Service messages transmitted solely to phone numbers (as opposed to those sent to addresses with references to Internet domains) are not covered by these protections, but all autodialed calls are already covered by the TCPA.
- o Provided guidance on what falls within the definition of "commercial", while emphasizing that the Federal Trade Commission is ultimately responsible for determining the criteria for "commercial" and what are excluded as "transactional or relationship" messages.

- o Prohibited the sending of MSCMs unless the individual addressee has given the sender express prior authorization. This authorization may be given orally, in paper or electronically.
- o Stated it will create a publicly available FCC wireless domain names list containing the domain names used for mobile service messaging. This will enable senders of commercial mail to determine which addresses, containing those domain names, are directed at mobile services.
- o Required all CMRS providers to supply the Commission with names of all the Internet domains on which they offer mobile service messaging service. The rule prohibits sending any commercial messages to addresses that contain domain names that have been listed on the official list for at least 30 days or at any time prior to 30 days if the sender otherwise knows that the message is addressed to a wireless device.

The Commission found that the establishment of a list of domain names appeared to be the most effective method to allow subscribers to avoid unwanted mobile service commercial messages. The new rules impose minimal burdens on CMRS providers, and provide a variety of ways to obtain authorizations from those mobile subscribers who want to receive messages from specific senders.

The Commission also encouraged industry to develop more mechanisms to protect wireless subscribers from unwanted commercial mail themselves.

Action by the Commission August 4, 2004, by Order (FCC 04-194). Chairman Powell, Commissioners Abernathy, Copps, Martin, and Adelstein. Separate statements issued by Chairman Powell and Commissioner Copps.

- FCC -

CGB contact: Ruth Yodaiken at (202) 418-7928

CG Dockets 04-53, 02-278



# FREE MARLIN FREE

## WIN A MARLINS TEAM JERSEY

(GO TO SECTION 119 TO ENTER & WIN)

Name: ALAN  
 Address (Line 1): 10316 NW 173 ST  
 Address (Line 2):  
 City: MIAM  
 State: FL  
 Zip Code: 33015  
 Telephone (Home): (855) 230-1234  
 Telephone (Mobile): (855) 230-1234  
 Mobile Network: CINGULAR  
 Mobile Text Address:  
 Email Address: ALAN@AOL.COM

**PLEASE SEND ME TEXT & EMAIL MESSAGES**

to play TRIVIA CONTESTS during the game and to win FREE PRIZES!!!

for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins

for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!

the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to games!!!!

Please don't lose contact with me! If my mobile network address changes,

please send me text & email messages to find me!!!

Signature: Alan Caplan

Date: 6/19/04

YES NO  
 YES NO  
 YES NO  
 YES NO  
 YES NO

Privacy Policy: The Florida Marlins warrants the privacy of their firm and will not distribute any personal information (PII) for the purposes described above.



# FREE MARLIN FREE

## WIN A MARLINS TEAM JERSEY

(GO TO SECTION 149 TO ENTER & WIN)

Name: Conn  
 Address (Line 1): [REDACTED]  
 Address (Line 2): [REDACTED]  
 City: Embrey Pines Fl  
 State: FL  
 Zip Code: 32027  
 Telephone (Home): 904-444-4444  
 Telephone (Mobile): 904-444-4444  
 Mobile Network: Verizon  
 Mobile Text Address: 904-444-4444  
 Email Address: Conn@Verizon.net

Please send me text & email messages

to play THRUVA CONTESTS during the game and to win FREE PRIZES!!!

for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins

for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!

the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to games!!!

Please don't lose contact with me! If my mobile network address changes,

please send me text & email messages to find me!!!

YES NO  
 YES NO  
 YES NO  
 YES NO  
 YES NO

Signature: Conn

Date: 6-19

Privacy Policy: The Florida Marlins warrant the privacy of their form and will not distribute any personal information ONLY for the purpose described above.

**FREE MARLIN'S TEAM JERSEY**  
**WIN A MARLIN'S TEAM JERSEY**  
 (GO TO SECTION 149 TO ENTER & WIN)

**FREE MARLIN'S TEAM JERSEY**  
**WIN A MARLIN'S TEAM JERSEY**  
 (GO TO SECTION 149 TO ENTER & WIN)

**NAME:** JONADNA

**Address (Line 1):** Highland, FL

**Address (Line 2):** FL

**City:** Highland, FL

**State:** FL

**Zip Code:** 33018

**Telephone (Home):** (305) [REDACTED]

**Telephone (Mobile):** (781) [REDACTED]

**Mobile Network:** Sprint

**Mobile Text Address:** [REDACTED]

**Email Address:** [REDACTED]

**TO PLAY TRIVIA CONTESTS during the game and to win FREE PRIZES!!!**  
**for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins**  
**for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!**  
**the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to games!!!**  
**Please don't lose contact with me! If my mobile network address changes,**  
**please send me text & email messages to find me!!!**

**Signature:** Jonadna **Date:** 01/20/04

**Privacy Policy:** The Florida service understands the privacy of their fans and will not distribute any personal information to anyone. We agree to permit the Florida Marlins to use your above provided information (MFI) for the purposes described above.



# FREE MARLIN'S TEAM JERSEY

(GO TO SECTION 149 TO ENTER & WIN)

Name: Melissa  
 Address (Line 1): [REDACTED]  
 Address (Line 2): [REDACTED]  
 City: Pembroke Pines  
 State: FL  
 Zip Code: 33024  
 Telephone (Home): (954) [REDACTED]  
 Telephone (Mobile): [REDACTED]  
 Mobile Network: motu pcs  
 Mobile Text Address: [REDACTED]  
 Email Address: [REDACTED]@hotmail.com

**PLEASE PRINT NAME AND PHONE NUMBER**

to play TRIVIA CONTESTS during the game and to win FREE PRIZES!!!  
 for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins  
 for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!  
 the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to games!!!  
 Please don't lose contact with me! If my mobile network address changes,  
 please send me text & email messages to find me!!!

Signature: [Signature] Date: 6/24/04

Privacy Policy: The Florida Marlins maintains the privacy of their fans and will NOT disclose any personal information to anyone. You agree to permit the Florida Marlins to use your name provided information (NEC) for the purposes described above.



# FREE MARLINS TEAM JERSEY

WIN A MARLINS TEAM JERSEY

(GO TO SECTION 146 TO ENTER A WIN)

Name:

Address (Line 1):

Address (Line 2):

City:

State:

Zip Code:

Telephone (Home):

Telephone (Mobile):

Mobile Network:

Mobile Text Address:

Email Address:

to play TRIVA CONTESTS during the game and to win FREE PRIZES!!!

for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins

for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!

the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to games!!!

Please don't lose contact with me! If my mobile network address changes,

please send me text & email messages to find me!!!

Signature:

Date:

(CIRCLE ONE)

YES

NO

YES

NO

YES

NO

YES

NO

Privacy Policy: The Florida Marlins maintains the privacy of their fans and will NOT distribute any personal information to anyone. You agree to provide the Florida Marlins with your personal information for the purposes described above.



# FREE MARLINS FREE

## WIN A MARLINS TEAM JERSEY

(GO TO SECTION 149 TO ENTER & WIN)

Name: Wendy  
 Address (Line 1): [REDACTED]  
 Address (Line 2): [REDACTED]  
 City: Miami  
 State: Fla.  
 Zip Code: 33215  
 Telephone (Home): 305- [REDACTED]  
 Telephone (Mobile): 305- [REDACTED]  
 Mobile Network: Bing.net  
 Mobile Text Address: [REDACTED]  
 Email Address: [REDACTED]

to play TRIVIA CONTESTS during the game and to win FREE PRIZES!!!  
 for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins  
 for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!  
 the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to games!!!  
 please don't lose contact with me! If my mobile network address changes,  
 please send me text & email messages to find me!!!

Signature: [Signature]

Date: 6-19-04

Please do not send me text or email messages. I agree to give the Florida Marlins the right to use my name and contact information for promotional purposes only. I agree to give the Florida Marlins the right to use my name and contact information for promotional purposes only. I agree to give the Florida Marlins the right to use my name and contact information for promotional purposes only.





# FREE MARLINS TEAM JERSEY

## WIN A MARLINS TEAM JERSEY

(GO TO SECTION 149 TO ENTER & WIN)

Name:

Address (Line 1):

Address (Line 2):

City:

State:

Zip Code:

Telephone (Home):

Telephone (Mobile):

Mobile Network:

Mobile Text Address:

Email Address:

WILMER CUTLER PICKERING

to play TRIVIA CONTESTS during the game and to win FREE PRIZES!!!

for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins

for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!

the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to games!!!

Please don't lose contact with me! If my mobile network address changes,

please send me text & email messages to find me!!!

Signature:

Date: 6/19/04

Privacy Policy: The Florida Marlins will not share your personal information with anyone. You agree to provide the Florida Marlins with your personal information (NAME) for the purposes described above.



# FREE MARLINS TEAM JERSEY

WIN A MARLINS TEAM JERSEY  
(GO TO SECTION 142 TO ENTER & WIN)

Name:

Address (Line 1):

Address (Line 2):

City:

State:

Zip Code:

Telephone (Home):

Telephone (Mobile):

Mobile Network:

Mobile Text Address:

Email Address:

Please send me text & email messages to find me!!!

(CIRCLE ONE)

YES

NO

to play TRIVA CONTESTS during the game and to win FREE PRIZES!!!

for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins

for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!

the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to games!!!

Please don't lose contact with me! If my mobile network address changes,

please send me text & email messages to find me!!!

Signature:

Date: 6-20-04

Privacy Policy: The Florida Marlins maintains the privacy of their fan and not sell or share any personal information to anyone. You agree to provide the Florida Marlins with the personal information ONLY for the purposes described above.



# FREE MARLINS TEAM JERSEY

WIN A MARLINS TEAM JERSEY  
(GO TO SECTION 3 TO ENTER & WIN)

Name:

Address (Line 1):

Address (Line 2):

City:

State:

Zip Code:

Telephone (Home):

Telephone (Mobile):

Mobile Network:

Mobile Text Address:

Email Address:

CIRCLE ONE:

YES NO

YES NO

YES NO

YES NO

YES NO

YES NO

YES NO

Signature:

Privacy Policy: The Florida Marlins maintain the privacy of their fans and will NOT disclose any personal information to anyone. You agree to provide the Florida Marlins with your most recent personal information for the purposes described above.



# FREE MARLIN TEAM JERSEY

## WIN A MARLIN TEAM JERSEY

(GO TO SECTION 149 TO ENTER & WIN)

Name:

Address (Line 1):

Address (Line 2):

City:

State:

Zip Code:

Telephone (Home):

Telephone (Mobile):

Mobile Network:

Mobile Text Address:

Email Address:

Plantation

33313

954

Cingular

(CIRCLE ONE)

YES NO

YES NO

YES NO

YES NO

YES NO

YES NO

Date: 7-10-04

Signature:

to play TRIVA CONTESTS during the game and to win FREE PRIZES:

for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins

for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!

the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to games!!!

Please don't lose contact with me! If my mobile network address changes,

please send me text & email messages to find me!!!

Privacy Policy: The Florida Marlins authorize the release of their name and will not distribute any personal information to anyone. You agree to permit the Florida Marlins to use your name for promotional purposes only for the purposes described above.